

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

IN RE: SCOTT VINCENT VAN DYKE Debtor(s)	§ § §	Case No. 21-60052-CML Chapter 7
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NOTICE OF ABANDONMENT OF PROPERTY
PURSUANT TO 11 U.S.C. §554 AND BANKRUPTCY RULE 6007

FRBP 6007(a) Notice: A party in interest may file and serve an objection within 14 days of service, or within the time fixed by the Court. If a timely objection is made, the Court shall set a hearing on notice to the United States trustee and to other entities as the Court may direct. If the Court grants the motion, the order effects the trustee's or debtor in possession's abandonment without further notice, unless otherwise directed by the Court.

Catherine S. Curtis, Trustee, files this Notice of Abandonment of Property Pursuant to 11 U.S.C. §554 and Bankruptcy Rule 6007, and would show as follows:

1. This case was filed on May 25, 2021 by Scott Vincent Van Dyke (the “Debtor”), and was subsequently converted to chapter 7 on or about January 31, 2022. The undersigned was appointed the chapter 7 trustee (the “Trustee”). The Trustee continued the §341 meeting of creditors held on March 24, 2022. The continued meeting is scheduled for April 28, 2022.

2. Anglo Dutch Energy LLC (“ADE”), debtor in bankruptcy case no. 21-60036, was the tenant on three (3) storage units with Big Tex Storage (“Big Tex”) that contained documents, personal property such as photo albums, and furnishings. Upon information and belief, the trustee in the ADE case was able to retrieve the documents pertinent to ADE’s case administration. Big Tex filed a Motion for Relief from Stay in the ADE case at Docket No. 106.

3. A proposed order was uploaded in the ADE case on February 8, 2022 [Docket No. 115] but was not entered until April 6, 2022. In the interim period, an auction was conducted by Big Tex of the items in storage consisting mainly of documents, furnishings, and other personal property items.

4. Big Tex took a photo inventory of what was included in the units prior to the auction and provided that information to the Trustee. Big Tex's counsel represented to the Trustee that the purchaser at auction bought the items in the unit for approximately \$216.

5. The Trustee, in investigating the potential claims under Section 549 of the Bankruptcy Code of this Estate, had an auctioneer review the photos of the items in the storage units. The Trustee is of the information and belief that pursuing such a cause of action would be burdensome for the estate and not result in any equity to distribute to creditors. The Trustee also believes that selling such a cause of action to the Debtor would be of *de minimus* value based on the items that were in the storage units¹ and the amount paid by the purchaser for the items at auction.

6. The Trustee believes that the Property and the proceeds thereof are therefore burdensome and of inconsequential value and benefit to the estate and should be abandoned pursuant to 11 U.S.C. § 554.

7. The Trustee gives notice that she affirmatively abandons the Property and the proceeds thereof.

WHEREFORE, PREMISES CONSIDERED, Catherine S. Curtis, Chapter 7 Trustee, prays that the Property and the proceeds be abandoned from the estate and for other just relief.

¹ The Trustee takes the position that any failure by the Debtor in this case to keep or maintain recorded information, including books, documents, records and papers, from which the Debtor's financial condition may be ascertained, or a failure by the Debtor to explain a loss or deficiency of assets related to the documents that may have been in the storage units, is an issue separate and apart from the abandonment being sought here. The Trustee does not take the position that this abandonment would preclude any arguments that the Debtor failed in his duties to maintain documents or other information.

Respectfully submitted,

Date: April 12, 2022

/S/CATHERINE STONE CURTIS

Catherine Stone Curtis

TBN: 24074100

Federal ID No.: 1129434

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Chapter 7 Trustee

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served on the counsel for debtor and the United States Trustee by electronic service according to BR 9003 on April 12, 2022.

VIA ELECTRONIC NOTICE:

U.S. Trustee

US Trustee
606 N Carancahua Ste 1107
Corpus Christi, TX 78401

VIA ELECTRONIC NOTICE AND VIA FIRST CLASS MAIL:

Debtor(s)

Scott Vincent Van Dyke
1515 South Boulevard
Houston, TX 77006

Debtor's Counsel

BRENDON D SINGH
TRAN SINGH, LLP
2502 LA BRANCH STREET
HOUSTON, TX 77004

And to all parties on the attached matrix.

/S/CATHERINE STONE CURTIS

Catherine Stone Curtis

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